

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIRST DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 627 of 2005

Between:

Ch. A.N. Raju. S/o Ramachandra Raju, Hindu,
Promoter of Rajasree Agro Service Centre, UN-IT 40-A, in EC/LIG-50, APIIC Colony
(ECIL), Hyderabad-62,

R/o LIG 50, /Unit 40-A in ECIL Post, Hyderabad-62.

..... PETITIONER

AND

1. The Managing Director, A.P.S.F.C, Abids, Post Box No. 165,

Hyderabad-1.

2. Assistant General Manager (Ranga Reddy (East), A.P.S.F.C, Abids,

Post Box No. 165, Hyderabad-1.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to pass writ order and direction particularly one in the nature of Writ of Mandamus and be so pleased to :- a) Quash the illegal demand notice dt. 30-12-2004 claiming Rs. 2322865/- as illegal, ultravires and constitution, vitiated the Equality of Justice, Law and Order. b) to issue the permanent stay order or Injunction, restraining the respondents, not to proceed against Unit 40-A in E.C.(ECIL) Hyderabad-62 as Rs. 75,000/- had deposited on 31-3-93 in accordance with order dt. 16-3-93 in W.A. No. 235/93 in W.P. No. 15/93. c) Restore the possession of the Unit 40-A to the petitioner immediately as on 10-9-2003, the date of filing WP No. 104/04 that was illegally seized on 23-12-2003 and d) Grant refund of the amount Rs. 87,500/- and Rs. 75,000/- with interest thereon and to pass appropriate orders to apply RBI circulars to reduce interest to 2% and 0% in order to revive sick SSI Units, as it was mandatory on leading Institutions.

Counsel for the Petitioner: PARTY-IN-PERSON (Ch.A.N. Raju)

Counsel for the Respondent No.: MR.Y.N.LOHITA

The Court made the following:

-

ORDER:

-

Challenging the demand notice dated 30.12.2004, claiming Rs.23,22,865/-, this writ petition is filed, seeking a declaration that the said demand notice is arbitrary and illegal.

The party in person contended that inspite of giving representation, the respondents have not taken any action in pursuance of the directions given by this Court. On the other hand, the learned counsel for the respondent contended that the respondents are received the representation from the Head office and therefore, it is under active consideration. This Court, by its order dated 6.12.2004 in W.P.No.104 of 2004, directed the petitioner to submit his representation to the respondent within a period of four weeks from today stating all the reasons, facts and circumstances and seek relief to which he is entitled to and on receipt of such representation, the same shall be considered and disposed of from a proper perspective in accordance with law, after giving liberty to the petitioner. Thereafter, the petitioner sent a representation dated 27.12.2004, which was duly acknowledged by the respondents on 30.12.2004. It seems, some communication gap between the petitioner in sending the representation to the respondents. As seen from the arguments of the petitioner, who appeared party-in-person, the petitioner sent his representation to the head office, which in turn sent the same to the respondents, and, therefore, it is under active consideration.

Therefore, the writ petition is disposed of with a direction to the respondents to take appropriate action after giving reasonable opportunity to the petitioner in accordance with law, within a period of three weeks from the date of receipt of

a copy of this order.

(K.C. BHANU,J)

Date: 01.02.2005

Ksn

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Managing Director, A.P.S.F.C, Abids, Post Box No. 165,
Hyderabad-1.
2. Assistant General Manager (Ranga Reddy (East), A.P.S.F.C, Abids,
Post Box No. 165, Hyderabad-1.
3. 2 C.D. copies